



OPP General Notes – November 27, 2018

1. **ESA** – Charlotte and Nancy provided additional comments on the ESA presentation for the briefing with Acting Administrator Wheeler on November 30. In addition, Rick mentioned that OPP met with DOJ and the litigants in *Center for Biological Diversity vs. EPA* lawsuit to discuss the issues in the case. OPP plans to follow-up with OGC during the OGC General.
2. **Ingredient Disclosure Update** – OPP is currently working on addressing comments from the OCSPP IO. Nancy mentioned the email that she and Rick received from Phil Klein, requesting a meeting with Reckitt Benckiser to discuss their desire to provide disclosure information on their product labels as part of their Corporate Sustainability Program. Nancy agreed that the IO will schedule a meeting with Reckitt in December.
3. **Second Level Review for FOIA** – There is new language in the SES PARs that requires program offices to consider 2 levels of review for FOIA requests. Rick said ITRMD's FOIA branch is already conducting two levels of review, an initial review by the staff who compiles the documents, and a second review by team leader/Sr level/ branch chief review. Rick will send the FOIA SOPs to the IO. The OCSPP-IO will be providing additional FOIA guidance that will be used across the AAship.
4. **Knowledge Transfer Meeting on Occupational Worker Exposure** – Rick reported that OPP has reached a critical point in succession planning with regard to retaining staff that have been involved in developing occupational worker exposure data. Many staff are nearing retirement or have left the program. As a result, OPP is planning to co-sponsor a meeting next year with registrants involved in occupational worker exposure. Charlotte has agreed to the meeting. Nancy would like a 1-pager on the time and resource commitments involved in planning the meeting.

5. **OPPEL Logo** – Rick reported that during the last OPP Town Hall meeting, staff suggested a contest to develop a new OPPEL logo. Charlotte and Nancy approved the competition. OPP will work with Cheryl Dunton and OPA to scope the competition.
6. **Draft Spray Drift Policy** – The IO inquired about the status of the Draft Spray Drift Policy. Nancy has asked for a briefing on the draft policy and our next steps.
7. **BLAD** – In October, OPP received a letter from the counsel for a company that produces the pesticide product containing the active ingredient BLAD, requesting EPA to promptly approve proposed new uses of their product. As a follow-up, OPP worked with OGC to develop a paper with options and associated timelines. Rick reminded the IO that he recently sent them the paper. Nancy said she will review it and send comments.
8. **Follow-up Questions on the Proposed NOI Rule** – A few months ago, OPP briefed the DAAs on a proposal to move forward with a rulemaking to change certain procedural regulations that require OPP to publish certain notices in the Federal Register. In lieu of using the FR, OPP would instead use websites to provide the public with notice of open comment periods. Rick recently sent the IO a backgrounder and comparison chart with the team's current thinking on this topic. Charlotte asked which notices are required by statute. In April, OPP provided the OCSPP-IO with a list of what's required by statute and what's only required by regulation. Nancy would like to schedule a meeting for further discussion.
9. **RDD Meeting Follow-up** – Ed shared the list below of follow-up items from the Regional Division Directors Meeting on November 14-15. The IO cleared this list to send to Vickey Pane and share at the OPP/OECA National Pesticide Managers Video Conference meeting on December 4-5.

Program and Enforcement Coordination Session:

- The RDDs agreed that there a desire to devote resources to look at ECRs, SSUROs, devices, and imports processes to see how to better improve coordination and will take the discussion back to their regions.
- HQ and regions will support a level of effort to identify a process for elevating critical issues to the OCSPP IO.

- Issues that have been elevated to RA's should be elevated to the OCSPP-IO and relevant program office.
- This discussion will be included in the December National Pesticide Manger's meeting.
- OPP will send the regions the draft Synexis device determination, once cleared through OCSPP-IO.

OPP Bowling Chart Session:

- FEAD will re-engage the regional branch chiefs in reviewing current bowling chart measures used in other EPA programs that may be appropriate for the C&T bowling chart measure, such as permitting programs.
- For the existing C&T bowling chart measure, FEAD will inquire if the approval of the state plans by the regions may be clustered towards the end of the process.
- FEAD will report what other bowling chart measures might work, and provide this information to OPP management, along with our recommendations.
- FEAD will finalize the OPP Bowling Chart measure by the end of December 2018.

10. **Dicamba** – Rick reported that the registrant concurred on the Dicamba Endangered Species Protection Bulletins and they are ready to post on Bulletins Live.
11. **IG Section 18 Response** – Charlotte approved the Section 18 memo, but she didn't sign it yet. She was wondering if there was a way to determine if the IG agreed with our suggestions prior to sending the final signed memo. Ed suggested that he would check with Janet Weiner to see if we can share the draft memo prior to sending them the final signed memo. Charlotte agreed and after the General, Ed checked with Janet, and she agreed to share the draft memo with the IG.
12. **Update to PR Notice 98-10** – Nancy noticed the updates to PR Notice 98-10 mentioned in an OPP presentation that she recently reviewed and asked if OPP could schedule a briefing on the issue. She's interested in hearing about comments, and how OPP plans to address the comments. A briefing will be scheduled with the OCSPP-IO to discuss.

13. **Oxitec** – A Florida Keys NGO has requested a meeting with EPA personnel attending the mosquito release tour next week. The meeting has been confirmed and will be considered a listening session. Nancy wants to know when the EUP withdrawal will be made public. BPPD will provide the date.
14. **SFIREG Agenda** – As a heads-up, Rick informed the IO that OPP was invited to speak at the SFIREG meeting on December 3, to provide a summary of the agency's recent decision on Dicamba and the new requirements for the upcoming growing Season. Subsequent to the discussion, the OPP-IO learned that Dan Kenny, RD's Herbicide Branch chief, will be making the presentation.
15. **OCFO Review of Fee Accounts** – Wynne reported that she received a letter from the OCFO comptroller regarding a discrepancy in the PRIA and FIFRA fee amounts that OPP has received vs expenditures. ITRMD is working with OCFO staff to resolve the discrepancy. A response is due back to OCFO by December 9. Charlotte said to let her know if she needs to reach out to OCFO.

Waiting for OCSPP IO Feedback:

- Draft Slides for ESA Briefing with the Acting Administrator
- Pollinator Presentation for Administrator
- Chlorpyrifos: Comments on Meeting Summaries
- Follow-up to Atrazine Eco Risk Assessment Briefing
- BLAD One-pager
- NPSE Sponsorship
- IG Section 18 Response
- ESA Strawman Discussion for CEQ
- List of OPP chemicals with thyroid endpoints

OPP to send to IO

- Management Plan for Fumigants Fall OCSPP-IO heads-up
- Periodic Nootkatone Updates: Next milestone is TOXSAC on 11/30
- Avian Study Guidance
- Strategy for Kaolin Clay Products
- Synexis Briefing Follow up
- List of Petitions
- Inert Ingredient Disclosure – responses to OCSPP-IO questions

- Proposal to Shorten the Comment Period for Certain Proposed Registration Decisions
- WPS Response to IG
- NMFS Biop One-pager – responses to OCSPP-IO questions
- American Chestnut Determination: Answers to Erik's questions (Per Erik and Ed, moved from OCSPP IO list)
- California's chlorpyrifos risk assessment and recent decision

Upcoming Briefings for the OCSPP-IO

- 11/30: ESA Briefing for Administrator
- TBD: Grants Briefing
- TBD: Pollinator Briefing for Administrator
- TBD: Petitions Briefing
- TBD: UAV Policy Briefing
- TBD: ICR LEAN and Salesforce Demo
- TBD: Determination of Uncertainty and Extrapolation Factors when using Irritation as a Point of Departure for Irritant and Corrosive Antimicrobial Pesticide Chemicals
- TBD: Glyphosate Briefing – OPP will provide a paper first.
- TBD: Paraquat – IO will provide questions/comments
- TBD: Comments on the update to PR Notice 98-10 – IO will provide questions
- TBD: Next Steps with finalizing the spray drift policy
- TBD: Brainstorming on a possible NOI rule